

A RESOLUTION

25-227

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2023

To declare the existence of an emergency with respect to the need to amend, on an emergency basis, the Immunization of School Students Act of 1979 to remove the requirement that eligible students in the District of Columbia receive a vaccination against COVID-19; and to repeal the Coronavirus Immunization of School Students Temporary Amendment Act of 2022.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “School Student Vaccination Emergency Declaration Resolution of 2023”.

Sec. 2. (a) On December 21, 2021, the Council passed the Coronavirus Immunization of School Students and Early Childhood Workers Amendment Act of 2021, which added SARS-CoV-2 (COVID-19) immunizations with full Food and Drug Administration authorization to the list of vaccinations required of District students. At that time, the District was in the midst of an unprecedented surge of COVID-19 cases. The Department of Health reported 14,595 COVID-19 cases during the week of December 19, 2022, and 15,896 cases during the week of December 26, 2022, over 90% of which were attributable to the contagious new Omicron variant of COVID-19. District of Columbia Public Schools sent entire school communities home before the start of the winter break to mitigate the virus’ spread, and District leaders were standing up a new rapid-testing program as winter holidays began. At the time, the decision to require students to be vaccinated against COVID-19 as a condition of enrollment was the best policy choice available to the Council.

(b) In June 2022, District education leaders announced that the law would be enforced for routine pediatric vaccinations and COVID-19 vaccinations beginning in School Year (“SY”) 2022-2023. This would have been the first time that the District committed to enforcement, meaning that students who were not vaccinated by the first day of school would have 20 school days to become vaccinated. If students did not meet the requirements within the 20 school days, they would be excluded from school and reported to the Child and Family Services Agency (“No Shots, No School”).

(c) On October 11, 2022, the Committee of the Whole held a roundtable on the implementation of No Shots, No School. At the roundtable, the Committee of the Whole learned

that while conversations with the parents of noncompliant students led school leaders to expect that most students would be up to date on their vaccinations, they highlighted ongoing problems with aligning the 3 separate databases used to track students' vaccination statuses and the issues families faced in timing full vaccination doses with the District's deadline. All agreed that the ultimate policy goal of all students being up to date on their routine pediatric vaccinations was attainable but expressed reservations about the likelihood of families equally complying with the COVID-19 vaccine.

(d) In response to learning of the implementation challenges, on October 27, 2022, the Council introduced temporary legislation to push back the COVID-19 vaccine requirement to SY 2023-2024. This current temporary legislation is set to expire on October 6, 2023; therefore, it would mean that students would have to receive COVID-19 vaccinations by the start of SY 2023-2024, or face exclusion. Currently, no state has mandated a COVID-19 vaccine requirement to return to school. Additionally, given the end of the public health emergency and the detrimental impacts of students not attending school, it is necessary to implement this legislation and clarify the process for schools and students prior to the beginning of the school year. The Committee of the Whole has held a hearing on a permanent repeal of the COVID-19 vaccination requirement for students and is planning to mark it up, however, the permanent would not be effective before the start of SY 2023-2024.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the School Student Vaccination Emergency Amendment Act of 2023 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.